

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
DECEMBER 16, 2009
5:30 p.m.

CALL TO ORDER

Mayor Nelson called the City Council meeting to order.

INVOCATION/PLEDGE

Monsignor Richard O'Keeffe, Immaculate Conception Church, gave the invocation. **Tim Maude**, Utilities Systems Maintenance Technician, led the City Council in the pledge of allegiance.

ROLL CALL

Councilmembers Present:	Shoop, Mendoza, Beeson, McClendon, Nicholls and Mayor Nelson
Councilmembers Absent:	Johnson
Staffmembers Present:	City Administrator, Mark Watson Deputy City Administrator, Bob Stull City Attorney, Steve Moore Purchasing and Contracts Manager, Bill Pfannenstiel Fire Chief, Jack McArthur Director of Parks and Recreation, Becky Chavez Various Department Heads or their representative City Clerk, Brigitta M. Kuiper

FINAL CALL

Mayor Nelson made a final call for the submission of Speaker Request Forms from members of the audience.

PRESENTATIONS - none

COMMUNICATIONS / FACTUAL RESPONSES

I. CALL TO THE PUBLIC

Bob Ingram, Executive Director of the Yuma Visitors Bureau, 202 S. 1st Avenue, thanked the City Council for their support of the Quartermaster Depot and presented the City Council with the official Visitors Guide for 2010. He stated that although Yuma's hotel business is down, compared to other cities in Arizona, Yuma County is ranked number two in demand for hotel rooms in the State of Arizona.

Monica De Leon, 3602 Cooke Street, alleged that hate crimes against her have escalated to the general public of Yuma.

Jack Guinn, 560 E. Palo Verde, expressed his concerns over the City Attorney's statement that his complaints were investigated by several agencies. He claimed that documents provided to him through a public records request were fraudulent; felony complaints will be made to the Yuma Police Department.

Watson stated that he has reviewed the request by the Guinn's and concluded that the request has been previously provided, no further information is available and there will no further efforts expended on this matter.

Moore stated that the investigations in which Guinn is referring to were conducted by the Yuma County Sheriff's Office, the Yuma Police Department, the Attorney General's Office and a response by the Federal Bureau of Investigation (FBI). The documents from the Police Department have been given to the Guinn's twice. Requests from the other agencies will need to be made directly through them.

Diane Umphress, 1350 W. Colorado Street, thanked the Mayor and City Council for their support of Amberly's Place. She thanked Councilmember Nicholls for stepping up for a short term on the City Council.

Phil Clark, P.O. Box 2824, Yuma, thanked the City Council for the time they have served.

II. MOTION CONSENT AGENDA

Motion (Beeson/Mendoza): To adopt the Motion Consent Agenda with the exception of items B7-B11, which were pulled by Mayor Nelson. Voice vote: **approved** 6-0.

A. Approval of minutes of the following City Council meetings:

Special Worksession/Retreat
Special Worksession

January 28, 2009
November 17, 2009

B. Approval of Staff Recommendations:

1. Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (Attny)
2. Approve a Special Event Liquor License application submitted by Jack Alan Frost, on behalf of the Fort Yuma Rotary Club, for the Mardi Gras Block Party. The event will be held in the 200-300 blocks of S. Main Street, on February 5, 2010, from 7:00 a.m. to 11:30 p.m. (SP09-16) (Admin/Clerk)
3. Approve a Special Event Liquor License application submitted by Terry Lee Matzner, on behalf of the Yuma Jaycees, for the Silver Spur Rodeo. The event will be held at 2520 E. 32nd Street, Yuma County Fairgrounds, on February 12, 2010, from 10:00 a.m. to 5:00 p.m.; February 13, 2010, from 10:00 a.m. to 10:00 p.m.; and February 14, 2010, from 10:00 a.m. to 5:00 p.m. (SP09-17) (Admin/Clerk)
4. Approve a #12 Restaurant (New License) Liquor License application submitted by Hong Sik Moon, agent for Ninja Sushi, 1400 E. 16th Street, Yuma, Arizona. (LL09-23) (Admin/Clerk)

5. Reject all proposals for the Classification Study and Pay Plan Development. (RFP 2010000079) (HR)
6. Award of a Sole Source contract for the Design and Construction of the Extension of the B 1.7 Lateral Canal Siphon at 32nd Street and Avenue 6E in accordance with Yuma City Code, Section 36-39, Sole Source Procurement, at an estimated cost of \$420,000.00 to Yuma Mesa Irrigation and Drainage District (YMIDD), Yuma, Arizona. (Bid 2010000265)(Eng)
7. Removed for separate consideration; see below.
8. Removed for separate consideration; see below.
9. Removed for separate consideration; see below.
10. Removed for separate consideration; see below
11. Removed for separate consideration; see below

Motion Consent Agenda Items Removed for Separate Consideration

- B.7. Modify the 1st Avenue alignment between 1st Street and 18th Street in the 2005 Major Roadways Plan. (DCD/Planning)
- B.8. Modify the 5th Avenue alignment between 14th Street and 16th Street and the 14th Street alignment from 4th Avenue to 7th Avenue in the 2005 Major Roadways Plan. (DCD/Planning)
- B.9. Modify the 5th Street alignment between Magnolia Avenue and 4th Avenue in the 2005 Major Roadways Plan. (DCD/Planning)
- B.10. Modify the 8th Street alignment from 1st Avenue and Avenue E ½ in the 2005 Major Roadways Plan. (DCD/Planning)
- B.11. Modify the 8th Street alignment from 1st Avenue to Caste Dome Avenue, affirm various roadway designations as identified in the 2005 Major Roadways Plan and identify specific rights-of-way width and roadway alignments. (DCD/Planning)

Nicholls recused himself from the above items due to a conflict of interest.

Motion (Shoop/McClendon): To approve Motion Consent Agenda Items B7 through B11. Roll call vote: **approved** 5-0-1; Nicholls abstaining due to a conflict of interest.

III. RESOLUTION CONSENT AGENDA

Motion (Beeson/McClendon): To approve the Resolution Consent Agenda as recommended.

Kuiper displayed the following title:

Resolution R2009-91

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with the Humane Society of Yuma, Inc., for 4.37 acres of property location at the southwest corner of Avenue 4½ E and 40th Street (Admin/EcDev)

Roll call vote: **adopted** 6-0.

IV. ADOPTION OF ORDINANCES CONSENT AGENDA

Motion (McClendon/Nicholls): To adopt the Ordinance Consent Agenda as recommended.

Kuiper displayed the following title:

Ordinance O2009-69

An ordinance of the City Council of the City of Yuma, Arizona, declaring a certain parcel of real property, hereinafter described, surplus for use by the City and authorizing and directing that a certain parcel of real property, hereinafter described, be acquired by gift, exchange, purchase or by eminent domain, for the reason that such property is required to enhance and expand public arts and culture facilities and other public purposes as may be related thereto, and authorizing payment of all costs necessary for the exchange and acquisition of said parcel of real property (Exchange and acquisition of real property; Yuma Art Center expansion) (Eng)

Roll call vote: **adopted** 6-0.

V. INTRODUCTION OF ORDINANCES

Kuiper displayed the following titles:

Ordinance O2010-01

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, rezoning certain properties hereinbefore located in the Light Industrial (L-I) District to the Heavy Industrial (H-I) District and amending the zoning map to conform thereto (Applicant: City of Yuma on behalf of Yuma County Airport Authority for property located at 3861 & 3885 South Pico Avenue; Z2009-016) (DCD/Planning)

Ordinance O2010-02

An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that a certain parcel of real property, hereinafter described, be acquired by the City of Yuma, as an access

easement for the reason that such property is required to improve the public roadway and stormwater utility infrastructure and other public purposes as may be related thereto, and authorizing payment therefor, together with costs necessary for the acquisition of an access easement for said parcel of real property

(Stormwater drainage access easement: Kohl's Department Stores, Inc.) (Eng)

Ordinance O2010-03

An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that a certain parcel of real property, hereinafter described, be acquired by the City of Yuma, by gift, easement, purchase or under the power of eminent domain, for the reason that such property is required to improve the public roadway and utility infrastructure and other public purposes as may be related thereto, and authorizing payment therefor, together with costs necessary for the acquisition of said parcel of real property

(Right-of-way acquisition: 12th Street – Lot 209 of Magnolia Village Unit No. 3 for 12th Street reconstruction between Avenue B and Avenue A) (Eng)

Introduction of Ordinance Items Pulled for Separate Consideration

Ordinance O2010-04: Yuma City Code Amendment: Bidder's Preference - Authorize amendment to the Yuma City Code, Title 3, Chapter 36, Section 36-37 - Bidder's Preference to allow the City Administrator or designee the discretion to grant a monetary preference to local bidders. (Fin/Pur)

Mayor Nelson asked the City Attorney to brief the City Council on information that was brought forward at yesterday's Worksession and new information that has been received.

Moore stated that there are three strategies the City has regarding local preference.

1. Expand the program by amending City Code Section 36-37 and allow staff to give local preference on different types of equipment, materials and supplies purchased between \$2,500 and \$50,000.
2. Work with the Attorney General to repeal Ordinance No. 2090,
 - o The initial meeting has been cancelled however attempts are being made organize a meeting as soon as possible.
3. A committee is researching the City's options and will make a recommendation to staff.
 - o Staff will work with the committee to format a document for a potential Charter election in May.

Moore continued, stating other cities have been contacted to inquire of a local preference. Flagstaff, Sedona and Tucson do not give local preference; however, there are points given to bidders for knowing local conditions, rules and regulations which is similar to the City's new draft of criteria for architects and engineers. The City of Tucson has a minority and women's business enterprise program. This is a strategy that the City can also consider.

Watson stated that information on construction contracts has been requested; 24 of 29 contracts were awarded to local contractors. The comparison highlights the first and second lowest bidders. Many times if there was a 5% difference, the second low bidder would still not be awarded the contract. In looking at contracts awarded to out of town firms, many utilized local companies as their subcontractors; only 12% of the dollars went to the out of town contractor.

Pfannenstiel stated that in 2007 many of the bid responses were from local vendors. When the economy began to fail, more out-of-town vendors began responding to bids. By 2008, an increase of bid requests and responses were received by both local and out-of-town vendors. In 2008 most of the contracts were awarded to local vendors, but in 2009 the majority were awarded to out-of-town bidders.

Mayor Nelson asked if a dollar comparison was prepared. **Watson:** Yes, all the projects added together are roughly \$55 million and about 88% stayed with the local contractors. Many of the out of town contractors utilize local vendors for their materials and supplies; however, about 15% of the money for materials and supplies leaves the City. An impression could be created that the City is sending a majority of the contracts outside the City; however, in this case most of the money is staying in Yuma through local subcontractors. This is a comparison of construction contracts; engineering and architectural services may show something different.

Nicholls stated that as the economy gets worse, more companies will become wiser and sharpen their pencils; the City will see a shift in bids. If there were a five-point differential, a couple of the contracts could have gone another way. The committee has been discussing a tiered system as a potential solution.

Mayor Nelson noted there are two councilmembers on the committee, Councilmembers McClendon and Beeson; Nicholls will continue to work on the committee towards a solution. **Nicholls** stated the committee is far from a solution and more input is needed. He asked that if anyone in the community has anything they would like to add, his email is on the City's website.

Watson reminded the City Council that the item on the agenda is to amend the Yuma City Code to allow the City Administrator, or a designee, the ability to award local preference to a qualified bidder on items between \$2,500 to \$50,000

Kuiper displayed the following title:

Ordinance O2010-04

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 3, Chapter 36, Section 36-37 of the Yuma City Code to allow the City Administrator or designee to grant a monetary preference to local bidders not in conflict with other law
(Local Preference) (Finance/Purchasing)

VI. PUBLIC HEARINGS - none

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Motion (Mayor Nelson/Mendoza): To reappoint Rosa Gaytan to the Arts and Culture Commission with a term to expire 11/12/2012. Voice vote: **approved 6-0.**

VIII. SUMMARY OF CURRENT EVENTS

Watson stated the Office of Senator John McCain confirmed the final language is in place that will allow the General Services Administration to move forward in the final Ombudsman bill of Congress for the Federal Courthouse to be located in Yuma. The City looks forward to getting the project on the ground to put people to work in Yuma.

IX. FAREWELL AND FINAL COMMENTS TO MAYOR LARRY NELSON AND CITY COUNCILMEMBERS DOUGLAS NICHOLLS AND EMA LEA SHOOP

Mayor Nelson expressed his appreciation to Nicholls for his short term on the City Council.

Nicholls thanked his family, the community, coworkers and fellow councilmembers for their support. Staff has been superb in keeping him up to speed with agenda items. He stated that he is both humbled and honored to have helped the City of Yuma in a transitional period. There are good people in Yuma; there is a lot of good intention within the City Council and staff. Community efforts are being made to continue in the same direction. Everybody needs to get involved; don't just sit back and say nothing act on your opinions.

Shoop stated she is honored to have served the citizens of the City of Yuma and to have worked with the staff. She thanked the City of Yuma employees who are friends, neighbors and family who care about the City. She outlined the many citizen assignments she worked on concluding that the City of Yuma is a great city to live in, work in, play, and raise a family. There have been many improvements to the City since 1960 and according to the last complete census, 63% of the population is under the age of 44. She encouraged councilmembers to think to the future.

Mayor Nelson thanked his wife for her support and for being a partner in the process. He also thanked the Mayor and Council secretaries for their hard work and keeping the City Council on track. The City staff is full of tremendously talented people who have brought a lot to the community. In looking back at his term, he rehearsed the many events that have changed the City of Yuma in a positive way. He expressed his gratefulness to the military base and commended the City for being a great military community. The unity of the neighboring cities and the county has been key to the partnership with Mexico. He has enjoyed the relationship with the management team and complimented Moore on the tremendous work he does as the City Attorney. The citizens of Yuma are kind people; they are the heart and soul of the community. He expressed his appreciation for the opportunity to gain the experience and knowledge he now has.

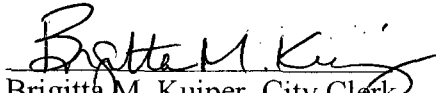
Mayor Nelson re-opened the Call to the Public so that members of the audience and staff could address the outgoing council.

Watson, McArthur, Chavez and Moore expressed appreciation individually to the outgoing City Councilmembers. Mementos were given and a video presentation of the many years of service by the outgoing elected officials was displayed.

Mendoza thanked Councilmember Nicholls for the time he served and for all that he has done with the City. He also thanked Shoop for her presence on City Council and for her work with the youth in the community, and, Mayor Nelson for all his hard work.

X. EXECUTIVE SESSION/ADJOURNMENT

Motion (Nicholls/Beeson): To adjourn the meeting. Voice vote: **adopted** 6-0. The meeting adjourned at 7:12 p.m. No Executive Session was held.


Brigitta M. Kuiper, City Clerk

APPROVED:


Alan L. Krieger, Mayor

Approved at the City Council Meeting of:
Feb 16 - 2010
DEPUTY City Clerk: 